

***State of Connecticut***  
***Division of Criminal Justice***  
***Kevin T. Kane, Chief State's Attorney***



***Connecticut's Juvenile &  
Criminal Justice Systems***

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***Presentation to the Juvenile  
Jurisdiction and Planning  
Implementation Committee***

**December, 2006**

**This presentation looks at a conversation between two well informed young people, Billy, under age 16, and Bobby, age 16 or 17, as they talk about issues relating to the the Justice system and how their cases might be handled.**

***If I get arrested, will everyone know about it?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>As a juvenile, the fact of my arrest and my arrest information are confidential.</p> <p>My case will be heard in a courtroom that is closed to the public.</p> <p>The records of my case are not open to the public.</p> <p><u>CGS §46b-124</u></p>	<p>As a youthful offender, the fact of my arrest and my arrest information are also confidential.</p> <p>My case will be heard in a courtroom that is closed to the public too.</p> <p>The records of my case are not open to the public either.</p> <p><u>PA 05-232</u></p>



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## ***Can I get my record erased?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I can <u>apply</u> for an erasure two years (four years if I was convicted of a Serious Juvenile Offense) after I complete my juvenile sentence as long as I have remained out of trouble during that period.</p> <p><u>CGS §46b-146</u></p>	<p>My youthful offender record is <u>automatically</u> erased when I turn 21 as long as I have not been subsequently convicted of a felony prior to turning 21.</p> <p><u>CGS §54-76o</u></p>

## ***What can happen when the police charge me with a crime?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I can be:</p> <ul style="list-style-type: none"> <li>• released with a warning by the police if the crime is minor</li> <li>• referred to a Juvenile Review Board if my town has one and I agree to the referral</li> <li>• issued a Juvenile Summons to go to court</li> <li>• kept in a juvenile detention center until presented in court the next business day</li> </ul>	<p>I can be:</p> <ul style="list-style-type: none"> <li>• released with a warning by the police if the crime is minor</li> <li>• issued a Misdemeanor Summons to go to court</li> <li>• released on a Promise to Appear</li> <li>• released upon posting a cash or surety bond</li> <li>• kept in jail until presented in court the next business day</li> </ul>



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***What if my parents aren't available or refuse to come and get me?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>I'll most likely be brought to a juvenile detention center where I will be held until presented in court the next day.</p> <p>I cannot be released except to a parent or responsible adult and I am not eligible to be released on a bond.</p> <p><u>CGS §46b-133</u></p>	<p>In most situations, I will be released on my own recognizance or upon the posting of a bond. If I am unable to post the bond, I'll be held in the lockup until presented in court the next day.</p>

***Can the police conduct an interview in the field and possibly resolve a minor case on the spot?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>The police cannot question me without a parent present so I'll probably end up being brought to the police station and questioned when my parent arrives. <u>CGS §46b-137</u></p> <p>If my parent can't be found or refuses to come, I might be arrested and charged with the crime and probably brought to a juvenile detention center.</p>	<p>The police can interview me in the field after advising me of my rights and, if the crime is minor, they may decide that I don't need to be charged with a crime.</p>



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***Can the School Resource Officer resolve a minor incident at the school without an arrest?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>The police cannot question me without a parent present so I'll have to wait to be questioned until my parent can be notified and arrives at the school. <u>CGS §46b-137</u></p>	<p>The police can interview me at the school after advising me of my rights and, if the crime is minor, they may decide that I don't need to be charged with a crime.</p>

***If I am locked up because I can't initially be released, can I be released prior to going to court?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>If I am brought to a juvenile detention center, I will stay there until presented in court the next business day.</p>	<p>If I am locked up because I can't post the bond, I'll be able to leave prior to going to court if someone posts the required bond or if the bail commissioner reduces the bond that I am required to post to an amount that I can post.</p>



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***When I am presented in court the next day, can the judge remand me to custody?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>The judge can hold me in a detention center if the judge finds probable cause and:</p> <ul style="list-style-type: none"> <li>• I might runaway</li> <li>• I might commit other crimes</li> <li>• it's in my best interests or the community's best interests to be held</li> <li>• there is a need to hold me for another jurisdiction</li> <li>• I have a history of failing to appear for court</li> </ul> <p><u>CGS §46b-133(d)</u></p>	<p>I can only be held if the judge finds probable cause and I can't post the minimum bond required to insure my appearance at the next court date.</p> <p>"Preventive detention," or holding me because the judge thinks that I might re-offend, is not permitted in the adult court.</p>

***What if I am charged with a minor crime, what could happen in court?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>If the crime is minor and I admit responsibility, and it is my first or second such offense, the probation officer may handle the case "non-judicially" so I don't have to go before the judge and I don't end up with a conviction on my record.</p> <p><u>PB §27-4A</u></p>	<p>If I am determined to be a "Youthful Offender" that will not disqualify me from holding public office or public employment, or forfeit any right or privilege to receive a license granted by a public authority and it is not deemed to be a conviction. <u>CGS § 54-76k</u></p> <p>And there is no limit to the number of times I can be found to be a "Youthful Offender."</p> <p><u>PA 05-232</u></p>



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### ***What if I am charged with a motor vehicle infraction?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>Since an infraction is still a delinquent act, I get summoned to appear in the juvenile court.</p> <p>If the infraction involves the use or operation of a motor vehicle, my case <b><i>must</i></b> be handled in court and <b><i>cannot</i></b> be handled non-judicially and I could end up with a conviction on my record. <u>PB §27-4A(B)</u></p>	<p>I can write out a check, mail it to the Central Infractions Bureau and never appear in court.</p> <p>If I pay the fine for an infraction, that is not a conviction and does not appear on my criminal record.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Even if the CIB system remains, where will contested motor vehicle infractions be tried?</i></p> </div>

### ***Can I get a jury trial if I want one?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>No, there are no jury trials in the juvenile court.</p>	<p>Yes, I can request that my case be heard on the regular criminal docket (not the youthful offender docket) and I can request a jury trial if I am facing possible incarceration.</p>



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***What sentences could the judge impose if I am found guilty?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I could be:</p> <ul style="list-style-type: none"> <li>• dismissed with a warning</li> <li>• placed on probation</li> <li>• placed on a suspended commitment to DCF</li> <li>• committed to DCF for placement at a residential treatment facility or CJTS (boys) <u>CGS §46b-140(b)</u></li> </ul> <p><i>How much revenue will be lost if probation and other program fees are no longer assessed in the cases of 16 and 17 year olds?</i></p>	<p>I could be:</p> <ul style="list-style-type: none"> <li>• discharged by the court after paying a fine or doing community service</li> <li>• given a suspended sentence to DOC and placed on probation</li> <li>• committed to DOC and incarcerated at the Manson Youth Institute for young adults</li> </ul>

***What would be the maximum sentence?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I can be placed on probation for as long as the judge thinks is necessary.</p> <p>I can be committed for an <u>indeterminate</u> term of up to 18 months for any delinquent act not considered to be a “Serious Juvenile Offense.”</p> <p>For a “Serious Juvenile Offense” I can be committed for an <u>indeterminate</u> term of up to four years. <u>CGS §46b-141</u></p>	<p>I can only be placed on probation for as long as provided by the statute based on the crime. <u>CGS §53a-29</u></p> <p>I can only be committed for a <u>fixed</u> term up to the maximum provided by statute based on the crime. <u>CGS §53a-35</u></p> <p>As a youthful offender, I can only be committed for up to four years no matter how serious the crime. <u>PA 05-232</u></p>



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***Can the sentence imposed on a juvenile be more than that imposed on an adult for the same offense?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>For any non-serious juvenile offense, even an infraction, I can be committed to DCF for up to 18 months and that commitment could be extended another 18 months if DCF convinces the judge that it is in my best interests or the community's best interests to do so.</p> <p><u>CGS §46b-141(b)</u></p>	<p>I can only be committed to DOC for up to the period of time specified in the statute depending on the crime.</p> <p><u>CGS §53a-35a &amp; §53a-36</u></p>

***Are there other specific crimes where the sentence could be higher in juvenile court?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I am looking at a maximum of 18 months commitment with possible 18 month extension or a total of <b>three years</b> for <u>any</u> delinquent act, and that includes infractions.</p> <p><u>CGS §46b-141(a) &amp; (b)</u></p>	<p>I am looking at a maximum of:</p> <ul style="list-style-type: none"> <li>• a <b>fine</b> for an infraction</li> <li>• up to <b>one year</b> for a class A misdemeanor</li> <li>• up to <b>six months</b> for a class B misdemeanor</li> <li>• up to <b>three months</b> for a class C misdemeanor</li> </ul> <p><u>CGS §53a-36</u></p>



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### ***How about for more serious crimes?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>For any serious juvenile offense, I can be committed to DCF for up to four years but that commitment could be extended for another 18 months if DCF convinces the judge that it is in my best interests or the community's best interests to do so.</p> <p><u>CGS §46b-141(b)</u></p>	<p>As a youthful offender, I can only be committed to DOC for up to four years even if the statutes provide for a longer sentence for an adult on the regular criminal docket. <u>PA 05-232</u></p>

### ***Is it possible to get away with just paying fine?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>No, since juvenile court dispositions are considered rehabilitative rather than punitive, there are no fines in the juvenile court.</p>	<p>Yes, a fine can be imposed up to the maximum provided by statute based on the crime. <u>CGS §53a-41 &amp; §53a-42</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p><i>How much revenue will be lost to the State if fines are no longer able to be imposed in the cases of 16 and 17 year olds?</i></p> </div>



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### ***What if I commit a real serious crime?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
If I am 14 or older at the time of the offense, I can be transferred to the adult criminal court where I will be tried, and if convicted, sentenced as if I were over the age of 16. That means that I will face all the same penalties that any adult would face, except the death penalty. <u>CGS §46b-127</u>	If the crime is that serious, I won't be handled as a youthful offender and my case will be heard on the regular docket in the adult criminal court. If I am convicted, I will also face the same penalties that any adult would face, except the death penalty because I am under 18 years of age.

### ***Do I have the right to have a public defender represent me in court?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
I can get a public defender, whether I request one or not, if my parents qualify.  My parents are also parties to the case, so they could have court appointed lawyers as well. <u>PB §30a-1(b)(2)</u>	I can only get a public defender if I ask for one and then only if I am qualified and facing incarceration.  <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><i>How many public defenders or other court appointed attorneys will be needed <b>above</b> those that would have been appointed in the cases of 16 and 17 year olds in the adult court if these cases are heard in the juvenile court?</i></div>



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### ***How about a Guardian Ad Litem (GAL)?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>GALs are often appointed in the juvenile court, in addition to an attorney, if:</p> <ul style="list-style-type: none"> <li>• there is a conflict between the child and the parent or</li> <li>• there is a conflict between what is in the child's "best interests" and the child's "legal interests."</li> </ul> <p>A GALs may also be appointed for the parent in the juvenile court.</p>	<p>The appointment of a GAL is not as common in the adult criminal court.</p>

### ***What happens if I don't show up for court?***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>A Take Into Custody (TIC) order may be issued and sent to the police and I might end up in detention.</p>	<p>A re-arrest warrant may be issued and I might end up in custody again too.</p>
<p><i>How much revenue from forfeited bonds will be lost to the State if bonds are no longer used in the cases of 16 and 17 year olds?</i></p>	<p>At some point, any bond I posted might be forfeited if I don't appear in court.</p>
<p><i>What would be the failure to appear rate for 16 and 17 year olds without bondsmen out looking for them?</i></p>	<p>To avoid having to pay, the bondsman who posted my bond may look for me to get me to court.</p>



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### ***What about “Status Offenses?”***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I can be found to be a child from a Family With Service Needs (FWSN) if I:</p> <ul style="list-style-type: none"> <li>• runaway from home</li> <li>• am beyond control</li> <li>• engage in indecent or immoral conduct</li> <li>• am truant from school</li> <li>• am defiant of school rules</li> <li>• engage in consensual sex</li> </ul> <p><u>CGS §46b-120(8)</u></p>	<p>I can be found to be a Youth In Crisis (YIC) – and have my case heard in the juvenile court – <b><i>only</i></b> if I:</p> <ul style="list-style-type: none"> <li>• runaway from home</li> <li>• am beyond control</li> <li>• am truant from school</li> </ul> <p><u>CGS §46b-120(3)</u></p>

### ***What can happen to me if I am found to be a “status offender?”***

Billy – under 16 years old	Bobby – 16 or 17 years old
<p>I can be:</p> <ul style="list-style-type: none"> <li>• referred to DCF for voluntary services;</li> <li>• placed under the supervision of a probation officer;</li> <li>• committed to DCF for an indefinite period up to 18 months;</li> </ul> <p><u>CGS §46b-149(h)</u></p>	<p>I can</p> <ul style="list-style-type: none"> <li>• have my driver’s license suspended for up to a year;</li> <li>• be required to work or do community service;</li> <li>• be required go to school;</li> <li>• be required to get counseling;</li> <li>• be referred to a youth service bureau;</li> <li>• review the option of emancipation;</li> </ul> <p><u>CGS §46b-150f(c)</u></p>



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***What happens if I don't follow the judge's order  
in a "status offender" case?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>Until 10/1/07, I can be charged as a delinquent for violating a court order and I could end up in detention and ultimately at CJTS.</p> <p>After 10/1/07, I can no longer be charged as a delinquent for violating a court order so nothing will happen to me either.</p> <p><u>PA 05-250</u></p>	<p>Since a youth in crisis who violates a court order cannot be considered to be delinquent and cannot be punished by the court by incarceration in any state operated detention facility or correctional facility, nothing will happen.</p> <p><u>CGS §46b-150f(c)</u></p>

***Where will I go to court?***

<b>Billy – under 16 years old</b>	<b>Bobby – 16 or 17 years old</b>
<p>I will go to the juvenile court that serves my town of residence, regardless of where in Connecticut the offense occurred.</p>	<p>I will go to the adult criminal court that serves the town where the offense occurred, regardless of where I live.</p>



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